GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – MA&UD Department – Sri J.V.S.Prabhakar, the then Municipal Assistant Engineer, Samalkot Municipality – Disciplinary Proceedings instituted under Rule-20 of A.P.C.S (CC&A) Rules, 1991 – Inquiry conducted – Penalty of stoppage of two (2) Annual Grade Increments with cumulative efect besides recovery of loss of Rs.16,00,578/- imposed – Orders issued – O.A. No.5108 of 2010 fled by Sri J.V.S.Prabhakar, the then M.A.E., Samalkot Municipality – Set aside the said punishment by the Hon'ble Tribunal with certain directions - Examined - Withdrawn the punishment of imposition of two (2) annual grade increments with cumulative efect – Withdrawing the remaining portion of recovery of loss for all purpose - Orders – Issued.

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MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (VIG.I) DEPARTMENT

G.O.Rt.No.392 **Dated.15 .06.2023.**

Read the following:

1) G.O.Rt.No.1455, MA & UD (L1) Dept., Dt.07.12.2002
2) G.O.Rt.No.660, MA&UD (L1) Department, dated.17.11.2009.
3) O.A.No.5108 of 2010 filed by Sri J.V.S.Prabhakar, the then Municipal Assistant Engineer, Samalkot Municipality.
4) Orders of A.P.A.T. in O.A.No.5108 of 2010, dated.31.08.2012 filed by Sri J.V.S.Prabhakar, the then Municipal Assistant Engineer, Samalkot Municipality.
5) Govt.Memo.No.9086/Vig.I/2010, dated.23.11.2012 and further reminders.
6) Representation from Sri J.V.S.Prabhakar, Deputy Executive Engineer (retired), dated.11.01.2021.
7) W.P.No.840 of 2022 filed by Sri J.V.S.Prabhakar, Deputy Executive Engineer (retired), Pithapuram Municipality.
8) Govt.Memo.No.9086/Vig.I/2010, dated.10.03.2022.
9) From the C&DMA., A.P., Vaddeswaram, Letter Roc.No.4390/2000/C2, dated.01.07.2022.
10) G.O.Rt.No.621, MA & UD (Vig.I) Dept., Dt.25.08.2022.
11) Govt.Memo.No.9086/Vig.I/2010, dated.25.08.2022.
12) From the RDMA, Lr.Roc.No.1399/2022/A3, comprehensive report Dt.06.10.2022 received through the CDMA, RoC.No. 4390/2000/C1/ C2, Dt.28.10.2022
13. From the RDMA, Lr.Roc.No.1399/2022/A3, subsequent reports Dt.14.12.2022 & Dt.29.03.2023 received through the CDMA, Roc.No.4390/ 2000/C1/C2, dated 25/04/2023

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O R D E R:

Whereas, in the reference 1st read above, disciplinary proceedings were initiated by issuing articles of charges against Sri J.V.S.Prabhakar, the then Municipal Assistant Engineer, Samalkot Municipality on certain irregularities noticed in execution of ILCS Scheme (Stage–IIA) in Samalkot Municipality during

(P.T.O.)

1998-99. Subsequently, after following due procedure, Government issued orders, imposing a punishment of stoppage of two (2) Annual Grade Increments with cumulative efect, besides recovery of loss of Rs.16,00,578/- against Sri J.V.S.Prabhakar, the then Municipal Assistant Engineer, Samalkot Municipality vide reference 2nd read above.

2. Aggrieved by the said punishment orders issued by the Government, the delinquent ofcer Sri J.V.S.Prabhakar, the then Municipal Assistant Engineer, Samalkot Municipality, fled O.A.No.5108 of 2010 in APAT. In the reference 4th read above, the Hon'ble APAT, Hyderabad in its Orders, dated.31.08.2012 in O.A.No.5108 of 2010 held that.

> *"The O.A., is allowed by setting aside the G.O.Ms.No.660, MA&UD (L1) Department, dated.17.11.2009 and directed the respondents to proceed with the enquiry, as per Rule-20 of APCS (CC&A) Rules, 1991. The respondents are also directed to take note of Circular dated.28.04.1999, issued by the MA Dept., and pass appropriate orders according to the Rules".*

3. Government after examination of the matter, duly taking into consideration of advice of advisory department, decided to consider to file W.P. in A.P. High Court on the above orders of APAT, since the delinquency is decade old, it may not be practicable to conduct the regular enquiry against the individual as directed by the Hon'ble APAT vide reference 4th read above. Due to various reasons, could not file the Writ Petition in this regard.

4. In the reference 6th read above, Sri J.V.S.Prabhakar, the then M.A.E. (Retired), Samalkot, in his representation, among others, has requested to exonerate him from all charges, duly dropping further action and regularize the suspension period as duty period from 22.07.2000 to 11.12.2001, since the Hon'ble Tribunal set aside the punishment orders issued in G.O.Ms.No.660, MA&UD (L1) Department, dated 17.11.2009 vide their orders, Dt.31.08.2012 in O.A.No.5108/2010.

5. In the reference 7th read above, Sri J.V.S.Prabhakar, the then M.A.E., has filed W.P.No.840/2022 in the Hon'ble High Court seeking direction to sanction / pay the pension and other retiremental benefits with ad-measurable interest and also other attendant benefits.

6. After detailed examination of the matter; keeping in view the orders of APAT., dated.31.08.2012 in O.A.No.5108/2010, the Government in the reference 10th read above, issued orders withdrawing the punishment of two (2) annual grade increments with cumulative efect against Sri J.V.S.Prabhakar, the then Municipal Assistant Engineer (now retired), Samalkot Municipality, issued in G.O.Rt.No.660, MA&UD (L1) Department, dated.17.11.2009, with a condition that the actual loss will be recovered from him, if any, by taking into the consideration of Circular dated.28.04.1999, and further order / instructions issued by the M.A. Department.

7. Accordingly, in the reference 11th read above, the C&DMA., A.P., Guntur was requested to arrive at the actual loss caused by the delinquent, duly taking into consideration of Inquiry Report, Circular Memo., dt.28.04.1999 and further

(Contin...)

orders issued by the Government in this regard and furnish his report with regard to the loss, if any, to be recovered from the delinquent, by following due procedure in this regard.

8. In the reference 12th & 13th read above, the RDMA, Rajamahendravaram, among others, clarifed/stated that the Inquiry Authority has not gone through the procedure prescribed and submitted report in vague without verifying the units on Ground and without taking into consideration of the PresentingOfcer's report and written arguments of C.O and he simply said at glance that the loss occurred. The RDMA has also confrmed that the payments were made by the Municipality to the benefciary directly in the presence of the Chairperson, Municipal Council, and obtained completion certifcate from the NHCs and as per the Circular Dt.28.04.1999, the action of the C.O., was tenable. However, it may not be possible to arriving loss to the Municipality after long lapse of (20) years, as the incident occurred in the year 2002. The CDMA, A.P. Guntur while sending the said detailed report of RDMA, Rajamahendravaram, has requested to issue necessary orders in the matter.

9. Government have examined the matter in detail; keeping in view the detailed/comprehensive report submitted by the RDMA, Rajamahendravaram through the CDMA, A.P. Guntur, and observe that it may not be possible to arrive at the loss to the Municipality after a lapse of (20) years, as the incident occurred in the year, 2002. In order to avoid further legal complications, it is decided to withdraw the remaining portion of punishment i.e., recovery of loss of Rs.16,00,578/- imposed in the reference 2nd read above, against Sri J.V.S.Prabhakar, the then MAE (Retd) Samalkot Municipality.

10. Accordingly, the Government hereby withdrawn the remaining portion of punishment i.e., recovery of loss of Rs.16,00,578/- imposed in the reference 2nd read above against Sri J.V.S.Prabhakar, the then MAE, (Retd) Samalkot Municipality, for all purposes.

11. The Engineer-In-Chief (PH), A.P., Tadepalli, Guntur/ Commissioner & Director of Municipal Administration, A.P., Vaddeswaram, Guntur, shall take further necessary action, in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Y. SRILAKSHMI
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri J.V.S.Prabhakar, the then Municipal Assistant Engineer (now retired),
Samalkot Municipality – **through** the C&DMA., A.P., Guntur.
The Engineer-in-Chief, (PH), A.P. Tadepalli, Guntur
The Commissioner & Director of Municipal Administration, A.P., Vaddeswaram, Guntur.

Copy to:
The Municipal Commissioner, Samalkot Municipality.
The G.P. for Serviced-IV, MA&UD Department, A.P. High Court, Amaravati.
The Principal Accountant General (A&E), A.P., Vijayawada.
SF / SC.

// FORWARDED BY ORDER //

SECTION OFFICER.